

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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4 BROOK M. HURD, et al.,

5 Plaintiffs,

6 v.

7 CLARK COUNTY SCHOOL DISTRICT, et  
al.,

8 Defendants.

Case No. 2:16-cv-02011-GMN-PAL

**MINUTES OF PROCEEDINGS**

Dated: November 8, 2018

9 **PRESENT:** THE HONORABLE PEGGY A. LEEN, United States Magistrate Judge

10 **JUDICIAL ASSISTANT:** Teresa Hoskin **RECORDER/TAPE #:** None

11 **COUNSEL FOR PLAINTIFF(S):** Ian Hansen, Peter Alfert, Todd Boley

12 **COUNSEL FOR DEFENDANT CCSD:** Mark E. Ferrario, Michelle Schwarz, Kara Hendricks

13 **COUNSEL FOR DEFENDANT DORAN:** Trevor Hatfield

14 **PROCEEDING:** Settlement Conference

15 A settlement conference was conducted commencing at 1:40 p.m. Plaintiffs Brook M.  
16 Hurd, Geraldine C. Hurd, Luis O. Villalobos, Olivia N. Espinoza, Zekrollah Sanaei, and Elham  
17 Eghdamian were present as well as defendant James P. Doran, and Scott Greenberg, Phoebe  
18 Redmond, Karen A. Thurlow, Eileen Wheelan and Jodie Lamb on behalf of defendant CCDC.  
19 The court heard presentations from counsel and from each of the parties present and thereafter met  
20 individually with counsel and each individual party.

21 A settlement was reached subject to the approval of the Clark County School District's  
22 Board of Trustees under the following essential terms:

- 23 1. CCSD will pay \$400,000 to each of the three plaintiff families for a total settlement  
24 contribution of \$1.2 million;
- 25 2. Doran's carrier will pay \$10,000 to each of the three plaintiff families for a total  
26 settlement contribution of \$30,000;
- 27 3. The parties will execute a written settlement agreement containing a broad global  
28 mutual release of all claims;

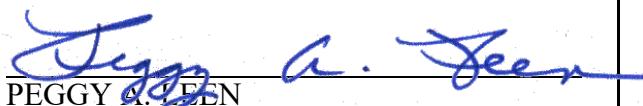
- 1       4. The parties agree the district judge will determine reasonable attorneys' fees and costs
- 2                which should be awarded to plaintiffs' counsel as prevailing parties. Defendants agree
- 3                that Plaintiffs are prevailing parties entitled to recover attorneys' fees and costs under
- 4                one or more federal fee shifting claims asserted in this case. Plaintiffs represent that
- 5                hard costs are approximately \$425,000, the majority of which are expert and deposition
- 6                costs. Plaintiffs agree to cap their request for attorneys' fees at a maximum of \$500,000
- 7                so that defendants' maximum exposure for attorneys' fees and costs to plaintiffs as
- 8                prevailing parties under one or more federal fee shifting statutory claims is \$925,000.
- 9        5. Plaintiffs will not apply for costs or attorneys' fees based on a punitive damages claim
- 10                which plaintiffs agree to dismiss.
- 11        6. Plaintiffs will file an application for costs and attorneys' fees within 30 days of the
- 12                School Board's decision approving the settlement, if it is approved.
- 13        7. Defendants reserve the right to challenge the reasonableness of costs and fees
- 14                plaintiffs' counsel seek as a result of this litigation and settlement but will not challenge
- 15                their right to recover costs and fees as prevailing parties under one or more federal fee
- 16                shifting statutory claims asserted in this case.
- 17        8. Plaintiffs will file a verified petition for compromise of the minors' claims within 30
- 18                days of the School Board's approval of the proposed settlement, if it is approved.
- 19        9. Defense counsel will promptly draft and forward proposed settlement and release
- 20                documents which must be signed before the request to approve the settlement is
- 21                considered at a regularly scheduled Board meeting.
- 22        10. The parties will exercise best faith efforts to have the matter ready for consideration at
- 23                the earliest possible regularly scheduled School Board meeting after documents are
- 24                finalized which is expected to occur no later than January 2019.

25               The settlement conference concluded at 5:45 p.m.

26               **IT IS ORDERED** that a telephonic status check is set for **3:00 p.m., January 16, 2019.**

27               Counsel shall be connected to the conference call by dialing **(877) 810-9415**, and entering **Access**

1      **Code 2365998**, no later than 2:55 p.m. If a stipulation to dismiss is filed, the telephonic status  
2      check will be automatically vacated.

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5      PEGGY A. TEER  
6      UNITED STATES MAGISTRATE JUDGE

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